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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

CHRISTOPHER M. LITTY, On Behalf of Himself and All Others Similarly Situated,
 Plaintiff,

Case No. CV 14-00425-PA (PJWx)
**ORDER ON
 VOLUNTARY DISMISSAL OF
 ENTIRE ACTION**

v.

MERRILL LYNCH & CO., INC., *et al.*,
 Defendants.

Judge: Hon. Percy Anderson
 Room: 15
 Pretrial
 Conf. Date: 05/22/15 at 1:30 p.m.

1 This Joint Stipulation to Dismiss the Entire Action is submitted by Plaintiff
 2 Christopher Litty and Defendants Merrill Lynch & Co., Inc., Merrill Lynch, Pierce,
 3 Fenner & Smith Inc., and Bank of America Corporation (Plaintiff and Defendants are
 4 collectively referred to herein as the "Parties").

5 WHEREAS, the Parties have reached a complete resolution of Plaintiff's
 6 individual claims for relief, memorialized in a confidential settlement agreement and
 7 release;

8 Based upon the foregoing, IT IS HEREBY STIPULATED by and between the
 9 Parties to this action through their undersigned counsel of record that the above-
 10 captioned action hereby is dismissed pursuant to Federal Rule of Civil Procedure
 11 41(a)(1)(A)(ii) as follows:

- 12 1. Plaintiff's First, Second, and Fifth Claims for Relief against the Defendants
 13 in the operative Second Amended Complaint ("SAC") are dismissed **with**
 14 **prejudice**. Each party shall bear its own costs and attorneys' fees, except
 15 as otherwise may be allocated in the parties' settlement agreement.
- 16 2. Plaintiff's Fourth and Sixth Claims for Relief against the Defendants in the
 17 SAC are dismissed **with prejudice**, but only to the extent they are
 18 derivative of the First, Second, and Fifth Claims for Relief. Each party
 19 shall bear its own costs and attorneys' fees, except as otherwise may be
 20 allocated in the parties' settlement agreement.
- 21 3. Plaintiff's Third Claim for Relief, and Fourth and Sixth Claims for Relief to
 22 the extent they are derivative of the Third Claim for Relief, are dismissed
 23 **without prejudice**. Each party shall bear its own costs and attorneys' fees,
 24 except as otherwise may be allocated in the parties' settlement agreement.

25 Dated: May 15, 2015

26 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP

27 By: /s/ Betsy C. Manifold
 28 **BETSY C. MANIFOLD**

IT IS SO ORDERED

Dated 5/19/15

[Signature]
 United States District Judge

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13 *Attorneys for Plaintiff*

14 Dated: May 15, 2015

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15 By: /s/ Michael D. Mandel

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26 *Counsel for Merrill Lynch & Co., Inc., Merrill*
27 *Lynch, Pierce, Fenner & Smith, Inc., and Bank*
28 *of America Corporation*

DECLARATION REGARDING CONCURRENCE

I, Betsy C. Manifold, am the CM/ECF User whose identification and password are being used to file this VOLUNTARY DISMISSAL OF ENTIRE ACTION. In compliance with L.R. 5-4.3.4(2)(i), I hereby attest that Michael D. Mandel has concurred in this filing's content and has authorized its filing.

DATED: May 15, 2015

By: /s/ Betsy C. Manifold
BETSY C. MANIFOLD

MERRILL LYNCH:21798.dismissal